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PATENT & TRADEMARK OFFICE

Patent
Attorney's Docket No. 704621-2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	)	
	)	
Luis Enjuanes SANCHES *et al.*	)	Group Art Unit: 1648
	)	
Application No.: 10/502,359	)	Examiner: Louise Wang Zhiying Humphrey
	)	
Filed: November 30, 2004	)	Confirmation No.: 8116
	)	
For: Nucleic Acid Sequence Comprising the RNA Packaging Signal of a Group 1 Coronavirus and the Applications Thereof	)	

THIRD INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. § 1.56, the references listed on the attached Form PTO-1449 are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application.

I. Timing of the Information Disclosure Statement:

This Information Disclosure Statement is filed:

☐ With the new patent application submitted herewith (37 C.F.R. § 1.97(a)).

☐ Within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 C.F.R. § 1.491.

☒ Before the mailing date of a first Office action on the merits. In the event, however, that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is hereby authorized to charge Deposit Account No. 50-2518 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).

☐ After a first Office Action on the merits but prior to the closing of prosecution, therefore under 37 C.F.R. § 1.97(c), the fee set forth in 37 C.F.R. § 1.17(p) is enclosed. This fee ($180) should be charged to the undersigned's Deposit Account No. 50-2518.

II. Copies of the Cited Items:

☒ Copies of all of the items listed on the attached Form PTO-1449 are enclosed.

☐ Copies of only the following items listed on the attached Form PTO-1449 are enclosed: _____.

☐ Copies of items listed on the attached Form PTO-1449 are not supplied because they were previously cited by or submitted to the Patent Office in prior Application No. _____, filed _____, and relied upon in this application for an earlier filing date under 35 U.S.C § 120.
See 37 C.F.R. § 1.98(d).

☐ Copies of those items which are marked with an asterisk (**) in the attached Form PTO-1449 were cited in a foreign examination report in a related case. A copy of the search report and the cited references not already of record in this application are attached hereto.

☐ Pursuant to 37 C.F.R. § 1.98, a copy of each of the documents cited is enclosed. However, copies of the listed U.S. Patents and U.S. Patent Application Publications are not enclosed since it is no longer required.

III. Conclusion:

Citation of the above documents shall not be construed as:

1. an admission that the documents are necessarily prior art with respect to the instant invention;
2. a representation that a search has been made, other than as described above; or
3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO 1449 with initials or other appropriate marks.

The Commissioner is hereby authorized to charge Deposit Account No. 50-4047 for any additional fees required in connection with the filing of this Information Disclosure Statement.

Respectfully submitted,
BINGHAM MCCUTCHEN, L.L.P.

Date: July 9, 2007

By: _____ #51,147 for:
Sharon E. Crane, Ph.D.
Registration No. 36,113

Bingham McCutchen LLP
2020 K Street, NW
Washington, D.C. 20006-1806
Main Telephone: (202) 373-6000
Main Facsimile: (202) 373-6001

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Substitute for form 1449A/PTO & 1449B/PTO				Complete if Known	
THIRD INFORMATION DISCLOSURE STATEMENT BY APPLICANT				**Application Number**	10/502,359
				Filing Date	November 30, 2004
				First Named Inventor	Luis Enjuanes SANCHES *et al.*
(use as many sheets as necessary)				**Examiner Name**	Louise Wang Zhiying HUMPHREY
Sheet	1	of	2	**Attorney Docket Number**	704621-2001

U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (MM-DD-YYYY)

FOREIGN PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Country	Date of Publication (MM-DD-YYYY)	STATUS						
					Translation	Partial Translation	Eng. Lang. Summary	Search Report	IPER	Abstract	Cited in Spec

NON-PATENT LITERATURE DOCUMENTS

Examiner Initials	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	International Preliminary Examination Report of WO 01/39797 dated March 27, 2002
	First Office Action from EP Application 04 007 406.4-1223, dated November 7, 2005
	Enjuanes et al., *"Coronavirus derived expression systems,"* 88 JOURNAL OF BIOTECHNOLOGY 183-204 (2001)
	Yount et al., *"Systematic Assembly of a Full-Length Infections cDNA of Mouse Hepatitis Virus Strain A59,"* 72(21) JOURNAL OF VIROLOGY 11065-11078 (2002)
	St-Jean et al., *"Genetic evolution f human coronavirus OC43 in neural cell culture,"* X INT. NIDOVIRUS SYMP. - COLORADO SPRINGS - USA, *June 25-30, 2005*

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

Substitute for form 1449A/PTO & 1449B/PTO				Complete if Known	
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				Filing Date	November 30, 2004
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				Examiner Name	Louise Wang Zhiying HUMPHREY
Sheet	2	of	2	**Attorney Docket Number**	704621-2001

NON-PATENT LITERATURE DOCUMENTS	
Examiner Initials	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	Almazán et al., "*Identification of essential genes as a strategy to select a SARS candidate vaccine using a SARS-VOV infectious cDNA clone,*" X. INT. NIDOVIRUS SYMP. COLORADO SPRINGS, USA, June 25-30, 2005
	Glossary term "Clone," IN LEWIN: GENES VII NY: OXFORD UNIV. PRESS 955 (2000)
	Expert Declaration of Thiel
	St-Jean et al., "*Recovery of a neurovirulent human coronavirus OC43 from an infectious cDNA clone,*" 80 J. VIROL. 3670-4 (April 2006)
	Almazán et al., "*Construction of a severe acute respiratory syndrome coronavirus infectious cDNA clone and a replicon to study coronavirus RNA synthesis,*" 80(21) J. VIROL. 1-7 (November 2006)
	Almazán et al., "*The nucleoprotein is required for efficient coronavirus genome replication,*" 78 J. VIROL. 12683-8 (November 2004)

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.